STATE OF NEW MEXICO COUNTY OF DOÑA ANA THIRD JUDICIAL DISTRICT COURT FILED
3rd JUDICIAL DISTRICT COURT
Dona Ana County
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DAVID S. BORUNDA
CLERK OF THE COURT
Christopher Mills

HECTOR BALDERAS, ATTORNEY) GENERAL,)	529
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) No. D-307-CV-2020-026	
Plaintiff, Beyer, Marci	
v.	
)	
STERIGENICS U.S., LLC, SOTERA HEALTH)	
HOLDINGS, LLC, SOTERA HEALTH LLC,)	
AND SOTERA HEALTH COMPANY,)	
Defendants.	
)	

DEFENDANT SOTERA HEALTH LLC'S NOTICE OF WITHDRAWAL OF ITS PARTICIPATION IN THE SOTERA DEFENDANTS' MOTION TO DISMISS UNDER RULE 1-012(B)(2) AND MOTION FOR PROTECTIVE ORDER

Defendant Sotera Health LLC respectfully submits this Notice of Withdrawal of its Participation in the Sotera Defendants' Motion its Motion to Dismiss Under Rule 1-012(B)(2) ("Rule 1-012(B)(2) Motion") and its Motion for Protective Order in the above-captioned case, as follows:

- 1. Defendants Sotera Health LLC filed a joint Motion to Dismiss Under Rule 1-012(B)(2) (the "Rule 1-012(B)(2) Motion") with Defendants Sotera Health Holdings, LLC and Sotera Health Company in response to Plaintiff's Complaint.
- 2. Defendants Sotera Health LLC also filed a joint Motion for Protective Order with Defendants Sotera Health Holdings, LLC and Sotera Health Company, seeking protection from certain written discovery served by Plaintiff, while the Rule 1-012(B)(2) Motion was decided.
- 3. Sotera Health LLC, like Defendants Sotera Health Holdings, LLC and Sotera Health Company, is an out-of-state company that does not have its principal place of business in

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New Mexico and does not transact business in New Mexico. Sotera Health LLC is the parent company and sole owner of Defendant Sterigenics U.S., LLC ("Sterigenics U.S."), and is legally separate and distinct from Sterigenics U.S. Sotera Health LLC does not own or operate Sterigenics U.S.'s sterilization facility in Santa Teresa, New Mexico that is at issue in this case.

- 4. Sotera Health LLC respectfully denies that the Court has personal jurisdiction over it, under New Mexico's Long Arm Statute and under federal due process. Sotera Health therefore filed its Rule 1-012(B)(2) Motion to dismiss this case against it for lack of personal jurisdiction with its initial responsive pleadings.
- 5. However, Sotera Health LLC elects to defend itself on the merits in this case and begin those proceedings against it in order to do so. Sotera Health LLC is confident that the evidence in this case will show, on the merits, that neither it nor any of the other Defendants have caused any injury alleged by Plaintiff. Sotera Health LLC therefore hereby withdraws <u>its</u> personal jurisdiction defense, participation in the Rule 1-012(B)(2) Motion, and Motion for Protective Order for that reason and purpose in the above-captioned case.
- 6. The Rule 1-012(B)(2) Motion and Motion for Protective Order remain pending for Defendants Sotera Health Holdings, LLC and Sotera Health Company. This Notice of Withdrawal with respect to Sotera Health LLC's participation in those Motions does not withdraw or otherwise impact those Motions with respect to Sotera Health Holdings, LLC and Sotera Health Company or the personal jurisdiction defenses of Sotera Health Holdings, LLC and Sotera Health Company.

[signature on following page]

Respectfully submitted this 10th day of February, 2022.

MODRALL, SPERLING, ROEHL, HARRIS & SISK, P.A.

By: /s/ Alex C. Walker

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WE HEREBY CERTIFY that a true and correct copy of the foregoing was submitted through the Odyssey Electronic Filing System for filing and service to all counsel of record this 10th day of February, 2022.

MODRALL, SPERLING, ROEHL, HARRIS & SISK, P.A.

By: /s/ Alex C. Walker
Alex C. Walker